

REMARKS

In the Detailed Action of April 4, 2006, the Examiner asserted that the most recently filed amendment was non-compliant because of the language “bullet deceleration area” in the claims. Applicant notes that the terminology was present in the original claims and not objected to in the Office Action of October 6, 2004, nor in the multiple notices of non-compliance which have been provided since that date. Applicant submits that it would be far more productive to address any issues which the Examiner believes to be present in a single office action, than to address them piece meal in a series of notices of non-compliance.

With respect to the present notice, Applicant notes that each of the embodiments shown in the drawings has one or more bullet stop and containment chambers. The bullet deceleration area is the area inside the bullet stop and containment chamber as is addressed repeatedly regarding FIG. 1 and in the Summary of the Invention. Applicants respectfully submit that one of ordinary skill in the art would appreciate that such an area is inherent in a bullet stop and containment chambers shown in FIG. 3, as stopping a bullet necessary involves decelerating it. However, to avoid any further delay in the prosecution of this application (which has a priority date of September 17, 2002), Applicants have amended the claims so that they have bullet stop and containment chambers rather than deceleration areas.

Finally, the Detailed Action did not indicate that the amendment had not been entered. Furthermore, in that the language objected to was present during the initial office action without objection, Applicants respectfully submit that there is not a basis for not entering the prior Amendment. Thus, the present amendment amends the claims from their form in the last amendment.

Claim Rejections – 35 USC § 102

The Examiner had previously rejected claims 1, 2, 3, 5 and 13 under 35 USC § 102(b) as

being anticipated by EP 0399960 A2 to Salabe. Applicant has amended claim 1 to further define a plurality of bullet stop and containment chambers in communication with a single transport mechanism for emptying bullets from the chambers. Salabe teaches a plurality of transports, one for each bullet deceleration area in order to recycle the bullet deceleration medium for each deceleration area. All claims dependent should be allowed without amendment. Thus, with the added limitation, Salabe clearly does not anticipate the present invention. Therefore, Applicant argues that claims 1, 2, 3, and 5 are in condition for allowance.

With respect to claim 13, Salabe does not contain each element of the claims. Salabe shows a single deceleration area, in the form of a berm trap, and a plurality of screw drives to move the deceleration material and the bullets. It does not teach using a screw drive to remove bullets from a plurality of chambers. To the contrary, the configuration of Salabe would make this extremely difficult as the deceleration material from the first area would fill the screw drive and prevent subsequent areas from being cleared. Thus, Salabe neither anticipates the invention nor renders it obvious.

Claim Rejections – 35 USC § 103

The Examiner had previously rejected claims 1, 5, 11, 12, 13, 14, and 17 under 35 USC § 103(a) as being unpatentable over US 5, 535,662 issued to Bateman in view of US 2003/0177895 issued to Lambert. Applicant respectfully submits that the Lambert application and the present application are commonly assigned to Action Target, Inc. Therefore, Lambert does not qualify as prior art. The records of assignment were included in the prior response. Therefore, claims 1, 11, 12, 13, 14, and 17 are not made obvious and are allowable.

The Examiner had previously rejected claims 7, 8, 9, 10, 15, and 16 under 35 USC § 103 as being unpatentable over Bateman and Lambert and in further view of US 6,311, 980 issued to

Sovine. Since Lambert does not qualify as prior art, the teachings of Sovine do not make the present invention obvious because there is no motive to add a valve to the teachings of Bateman. Bateman teaches that once the momentum of the bullet has been reduced, it is dropped out of an egress. In Sovine, the valve is used to maintain sufficient vacuum pressure in the transport house to pneumatically move bullets. Therefore, Applicant contends that claims 7, 8, 9, 10, 15, and 16 are in condition for allowance.

Conclusion

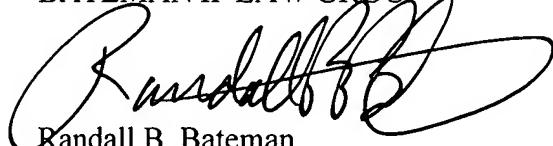
Applicant has submitted amendments and arguments to place the application in condition for allowance.

Should the Examiner determine that adverse action is necessary, it is requested that he contact Applicant's attorney, Randall B. Bateman, at (801) 533-0320 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized during the entire pendency of application to credit any overpayment and debit any amount owing, including fees for extensions of time, to Deposit Account No. 50-2720.

Respectfully Submitted,

BATEMAN IP LAW GROUP



Randall B. Bateman
Reg. No. 37,774

8 East Broadway, Suite 550
P.O. Box 1319
Salt Lake City, Utah 84110
Telephone (801) 533-0320
Facsimile (801) 533-0323
E-mail: rbb@utah-ip.com